

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

**CASE NO. 14-13158-FF  
DC DOCKET NO. 5:13-cv-299-RS-CJK**

**RICHARD LOBERGER, etc.,**

**Appellants,**

**vs.**

**DEL-JEN, INC. , and J & J  
MAINTENANCE, INC.,**

**Appellees.**

---

**APPELLANTS' SECOND MOTON FOR ENLARGEMENT OF  
TIME IN WHICH TO SERVE AND FILE INITIAL BRIEF**

Appellants respectfully seek an order deeming Appellant's Initial Brief timely filed. The Brief was due last evening by midnight. The undersigned, working from home, remotely accessed his firm's computer and attempted to upload the completed brief just before midnight October 6, 2014. The Internet browser would not permit the upload to begin until the undersigned updated the browser with the most recent Java script update. The undersigned tried that several times without success, and saw the midnight deadline pass in the process. The undersigned then email the brief to a home email address and encountered the same message. After thirty minutes, the browser finally allowed the brief to upload to this Court's website. That means the brief was filed about thirty minutes late. At 12:29 AM ET October 7, 2014, the undersigned email both counsels for Appellees,

briefly explained the situation, and asked their consent to the relief sought herein. Counsel for Appellees, James W. Seegers and Patrick L. Lail, respectively, both quickly and graciously consented to the requested enlargement.

Respectfully submitted,

s/ James Garrity  
\_\_\_\_\_  
James Garrity FBN: 539211  
MARIE A. MATTOX P.A.  
310 East Bradford Road  
Tallahassee, Florida 32303-4804  
Telephone: (850) 383-4800  
Facsimile: (850) 383-4801

ATTORNEYS FOR APPELLANTS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail to all counsel of record this 7<sup>th</sup> day of October 2014:

James W. Seegers, Esquire  
BAKER & HOSTETLER, LLP  
Post Office Box 112  
200 South Orange Avenue  
Sun Trust Center, Suite 2300  
Orlando, Florida 32802-0112  
COUNSEL FOR DEL-JEN, INC.

Patrick L. Lail, Esq.  
Elarbee, Thompson, Sapp & Wilson, LLP  
800 International Tower  
229 Peachtree Street, N.E.  
Atlanta, GA 30303  
COUNSEL FOR DEFENDANT  
J&J MAINTENANCE, INC.

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE  
DISCLOSURE STATEMENT**

The persons and entities known to Appellants to be interested in the outcome of  
this case are:

1. BAKER & HOSTETLER LLP
2. DEL-JEN, Inc. (Appellee)
3. ELARBEE, THOMPSON, SAPP, ETC LLP
4. Garrity, James (Counsel for Appellants)
5. J & J Maintenance, Inc. (Counsel for Appellee)
6. Lail, Patrick L. (Counsel for Appellee)
7. Libby, Sean M. (Counsel for Appellee)
8. Loberger, Richard (Appellant)
9. Marie A. Mattox, P. A. (Counsel for Appellants)
10. Mattox, Marie (Counsel for Appellants)
11. Miller, Raymond (Appellant)
12. Seegers, James W. (Counsel for Appellee)
13. Smoak, Richard (federal Judge)
14. Wilson, Stanford G. (Counsel for Appellee)

Respectfully submitted,

s/ James Garrity

James Garrity [FBN 539211]

MARIE A. MATTOX, P. A.

310 East Bradford Road

Tallahassee, Florida 32303-4804

Telephone: (850) 383-4800

Facsimile: (850) 383-4801

Jim@mattoxlaw.com

Jimgarritycell@gmail.com

ATTORNEYS FOR APPELLANTS